

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	Case No. 1:20-cr-298
)	
DANIEL GUTMAN and)	
BENJAMIN GUTMAN)	
)	
Defendants.)	
_____)	

**DEFENDANTS' UNOPPOSED JOINT MOTION FOR
A SIXTY (60) DAY CONTINUANCE OF TRIAL**

Daniel Gutman and Benjamin Gutman, by their undersigned counsel, respectfully move for a continuance of trial, to exclude under the Speedy Trial Act a period of delay from the filing of Defendants' joint motion until the trial date set forth by the Court, and a continuance on the pretrial motions deadline. In support of this request, Defendants rely on the accompanying brief filed in support of their joint motion.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Stephen A. Miller
Stephen A. Miller (PA ID No. 308590)
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Telephone: 215-665-4736
Facsimile: 215-253-6796
samiller@cozen.com
Counsel for Defendant Daniel Gutman

IFRAH PLLC

By: /s/ James M. Trusty
James M. Trusty
1717 Pennsylvania Avenue, NW
Suite 650
Washington, DC 20006
Telephone: 202-524-4140
jtrusty@ifrahlaw.com
Counsel for Defendant Benjamin Gutman

Dated: December 8, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	Case No. 1:20-cr-298
)	
DANIEL GUTMAN and)	
BENJAMIN GUTMAN)	
)	
Defendants.)	
_____)	

**DEFENDANTS' JOINT BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR
A SIXTY (60) DAY CONTINUANCE OF TRIAL**

In support of Defendants' Unopposed Joint Motion for a Sixty (60) Day Continuance of Trial, Defendants state:

1. The trial is scheduled in this case to begin on February 1, 2021.
2. Both Defendants were released on their own recognizance after an initial appearance and arraignment with Magistrate Judge Carlson on November 30, 2020.
3. The Speedy Trial Act requires a trial to begin within 70 days of indictment or initial appearance, whichever occurs later, 18 U.S.C. § 3161(c)(1), and entitles the defendants to dismissal of the charges if that deadline is not met, § 3162(a)(2). Certain periods of time, however, are excluded from this 70-day "clock." § 3161(h). Some periods of time are excluded when the judge continues a trial and finds, on the record, that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial."

§ 3161(h)(7)(A). The Court may consider in part whether “it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.” § 3161(h)(7)(B)(ii).

4. On November 30, 2020, the Chief Judge of the Middle District of Pennsylvania entered a Standing Order providing that “in consideration of the national and district-wide COVID-19 case surge. . . the Middle District of Pennsylvania shall immediately re-enter Phase One of the COVID-19 Recovery Guidelines adopted by the Court pursuant to Standing Order 2020-17.” Standing Order 2020-30, *available at* <https://www.pamd.uscourts.gov/covid-19-orders>.

5. Standing Order 2020-17 provides that the goal of the phased approach is “to mitigate risk of COVID-19 exposure while protecting any employee, contractor and member of the public who enters [the] facilities[.]” This guidance is consistent with the Federal Judiciary COVID-19 Recovery Guidelines.” Standing Order 2020-17, *available at* <https://www.pamd.uscourts.gov/covid-19-orders>. Standing Order 2020-17 requires in pertinent part that “[a]ll bench and jury trials . . . will not be permitted[.]” and mandates “[s]trict social distancing and geographic isolation[.]” as well as “[s]trict observance of best practices regarding hygiene, self-monitoring, social distancing, and wearing of face coverings/masks.” *Id.*

6. COVID-19 continues to pose a significant risk to the health and well-being of the public, and the parties, as identified by the Chief Judge. The limitation on public mobility has also inhibited the ability of the parties to prepare for pretrial and trial proceedings.

7. Consequently, Defendants respectfully request a continuance of the trial date, and a finding that under the exigent circumstances, the ends of justice served by granting a continuance outweigh the best interest of the public and the defendants in a speedy trial.

8. Defense counsel stipulate that a period of time, from the date of the filing of this joint motion until the new trial date, is excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A).

9. Defense counsel also request that the deadline for filing pretrial motions be extended by the same sixty days.

10. Assistant United States Attorneys Kim Daniel and Ravi Sharma have authorized us to represent to the Court that they have no objection to this joint continuance motion.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that this joint motion be granted.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Stephen A. Miller
Stephen A. Miller (PA ID No. 308590)
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Telephone: 215-665-4736
Facsimile: 215-253-6796
samiller@cozen.com
Counsel for Defendant Daniel Gutman

IFRAH PLLC

By: /s/ James M. Trusty
James M. Trusty
1717 Pennsylvania Avenue, NW
Suite 650
Washington, DC 20006
Telephone: 202-524-4140
jtrusty@ifrahlaw.com
Counsel for Defendant Benjamin Gutman

Dated: December 8, 2020

CERTIFICATE OF CONCURRENCE

Counsel for Defendants, Stephen A. Miller and James M. Trusty, hereby certify that the Assistant United States Attorneys Kim Daniel and Ravi Sharma have no objection to Defendants' Unopposed Joint Motion for a Sixty (60) Day Continuance of Trial.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Stephen A. Miller

Stephen A. Miller (PA ID No. 308590)
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Telephone: 215-665-4736
Facsimile: 215-253-6796
samiller@cozen.com
Counsel for Defendant Daniel Gutman

IFRAH PLLC

By: /s/ James M. Trusty

James M. Trusty
1717 Pennsylvania Avenue, NW
Suite 650
Washington, DC 20006
Telephone: 202-524-4140
jtrusty@ifrahlaw.com
Counsel for Defendant Benjamin Gutman

December 8, 2020

CERTIFICATE OF SERVICE

Counsel for Defendants, Stephen A. Miller and James Trusty, hereby certify that service of a copy of the foregoing Defendants' Unopposed Joint Motion for a Sixty (60) Day Continuance of Trial was effectuated on December 8, 2020, upon counsel of record via the court's electronic filing system.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Stephen A. Miller
Stephen A. Miller (PA I.D. No. 308590)
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Telephone: 215-665-4736
Facsimile: 215-253-6796
samiller@cozen.com
Counsel for Defendant Daniel Gutman

IFRAH PLLC

By: /s/ James M. Trusty
James M. Trusty
1717 Pennsylvania Avenue, NW
Suite 650
Washington, DC 20006
Telephone: 202-524-4140
jtrusty@ifrahlaw.com
Counsel for Defendant Benjamin Gutman